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July 19, 2005

BY CM/ECF

The Honorable Gregory M. Sleet  
 U.S. District Court  
 844 North King Street  
 Wilmington, DE 19801

Re: Dyson Technology Ltd., et al., v. Maytag Corp., C.A. No. 05-434-GMS

Dear Judge Sleet:

Plaintiffs Dyson Technology Limited and Dyson, Inc. (collectively, "Dyson") today filed a motion seeking expedited discovery and the setting of a preliminary injunction hearing date, copies of which are enclosed. I write to bring to the Court's attention the unique circumstances in this case that warrant early consideration of Dyson's motion to expedite and to request a teleconference to discuss scheduling of this motion.

By way of background, on June 27, 2005, Dyson filed its complaint in this action, which alleges that defendant Maytag Corporation ("Maytag") is infringing four Dyson patents. Dyson brought this action shortly after the infringing product, Maytag's Hoover "Fusion" vacuum cleaner, began appearing in the United States market. Dyson expects to file its preliminary injunction motion on or before July 29, 2005.

As set forth in the enclosed papers in support of Dyson's motion to expedite, Maytag's recent launch of the Hoover "Fusion" vacuum cleaner threatens Dyson with irreparable harm. At present, Maytag has not begun widespread advertising or promotion of the Hoover "Fusion," and to our knowledge, the "Fusion" is now available only at certain Wal-Mart stores. Once Maytag begins offering its infringing product for sale throughout the United States, however, an award of money damages might well be inadequate to restore Dyson to the position it now holds in the marketplace. Moreover, two of the four patents-in-suit expire during the first half of next year. As Your Honor is aware, the very nature of the patent right is the right to exclude others. Unless Maytag is promptly enjoined, it in effect will have awarded itself a license in the United States to Dyson's patented technology by selling the infringing product throughout the remaining term of those two patents.

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In its motion to expedite, Dyson respectfully requests that the Court (i) set a briefing schedule on Dyson's preliminary injunction motion (Maytag's answering brief due on August 24, 2005 and Dyson's reply brief due on September 9, 2005), (ii) schedule an evidentiary hearing on Dyson's motion during the week of September 26, 2005, and (iii) permit the parties to conduct immediate and expedited discovery on issues relevant to that motion commencing forthwith and continuing until September 16, 2005.

On July 13, 2005, my co-counsel, David Tulchin of Sullivan & Cromwell LLP, informed Maytag's counsel, Francis DiGiovanni of Connolly Bove Lodge & Hutz LLP, that Dyson would soon move for a preliminary injunction and proposed a briefing schedule on that motion. (The proposal was for the motion to be made on July 22, for Maytag's answering papers to be due on August 19 and for Dyson's reply papers to be due on September 8.) On July 14, Mr. DiGiovanni responded that Maytag would neither agree to our proposed schedule nor propose its own alternative schedule for Dyson's preliminary injunction motion. Mr. DiGiovanni offered no reason for this position other than stating that Maytag opposes expedition and that scheduling before Your Honor normally occurs in due course.

We are available to coordinate a hearing on the motion at the Court's convenience.

Respectfully submitted,



John W. Shaw  
No. 3362

JWS:gm

cc: Clerk of the Court (by CM/ECF and hand delivery)  
Francis DiGiovanni (by hand delivery)